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OGC Has Reviewed

Chief, Special Funds Division

12 August 1948

Office of the General Counsel

Delegation of Travel Authority for OSO

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1. Reference is made to your memorandum of recent date, same subject as above, and to [REDACTED] dated 11 October 1946, and to pertinent parts of Special Funds Regulations, dated 20 May 1948, requesting interpretations of questions raised by subparagraphs 2. a, b, and c of said memorandum.

2. Your first question reads as follows:

"a. Do Chiefs of Field Installations have the authority to direct and authorize travel and to authorize a review of expenditures incurred in connection therewith."

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3. [REDACTED] provides that a Chief of a Field Installation may approve TDY of civilian employees within the theatre. It provides further that Chiefs of Field Installations may designate an employee to act for them in issuance of travel orders and sign for them other necessary travel papers.

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4. General Administrative Instruction [REDACTED] provides in pertinent part as follows:

"Travel outside the area of a station chief will be performed only with the approval of, or at the direction of, headquarters, except that in an emergency such travel may be performed with the concurrence of the station chiefs concerned. The station chief initiating operational travel outside his area under emergency conditions will request headquarters to confirm the authorization for travel already performed."

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5. Paragraph 2. a of General Administrative Instruction [REDACTED] revised provides:

"The Chief of Station (including hereinafter Chief of mission, post, or other principal officer subordinate directly to OSO) is responsible for the proper use of unvouchered funds. He is therefore the proper person to authorize and direct the use of such funds within the limitation of allotments and operational instructions of OSO and within the provisions of Special Funds Regulations."

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6. Paragraph 3. a. of General Administrative Instruction revised provides:

"3. a. Special Funds are budgeted by OSO and made available to Field Installations under the following classifications:

"(1) Overhead

"(a) Personnel:

"Expenses of staff personnel including salaries, living and quarters allowances, travel to the field, and travel within the field. (See paragraphs 13, 14, 15, 16, and 18.)"

7. With respect to the first part of your question, therefore, the Chiefs of Field Installations have the authority to direct and authorize travel within their area in accordance with appropriate regulations. Travel outside the area of a station chief may be performed only with the approval of, or at the direction of, headquarters, except emergencies as indicated.

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8. [redacted] of Special Funds Regulations contains a full delegation to ADSO, DADSO, and EXO to exercise certain authorities referred to in subparagraphs a through e of the above section. Since [redacted] dated 11 October 1946, is concerned solely with travel within the theatre, there is no conflict between the present Special Funds Regulation and [redacted] and the latter has, in fact, been republished. The final sentence of [redacted] is merely explanatory of the officials who may authorize advances to cover anticipated travel expenses within the areas defined by the foregoing references. It has no function as an effective delegation.

9. With respect to the second part of your question in 2 a, Chiefs of Field Installations may authorize a review of any travel expenditure related to an order which such Chief is authorized to issue. The scope of their authority is stipulated in [redacted] as explained in paragraph 3 above.

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10. Your second question reads as follows:

"b. Is it necessary that the travel authorities defined in reference 2 review the expenditures in connection with travel prior to payment. It is agreed that at their option they may review such expenditures, but the query is as to whether there is any obligation on the part of the Special Funds Division to ascertain whether or not these travel authorities choose to exercise their option in each specific instance."

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11. The language used in [REDACTED] of the Special Funds Regulations is normal delegation language and does not contemplate or intend a disturbance of the modus operandi as dictated by the Special Funds Regulations and the pertinent Administrative Instruction. You are therefore informed that there is no obligation on the part of the Special Funds Division to ascertain whether or not these travel authorities chose to exercise their option.

12. Your third question reads as follows:

"c. Where travel authority is exercised by individuals designated as travel authorities in Reference 2, can Chiefs of Field Installations amend such travel orders exercising their possible authority or equivalent travel authority? Such amendments may involve excess baggage, authorization to travel by indirect route, authorization for leave or delay enroute."

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13. [REDACTED] of the Regulations provides that ADSO, DADSO, and EXO may authorize TDY, including travel from and to overseas posts by certain employees and consultants. This is the full delegation of authority for the type of travel concerned, and any such travel performed at the direction of the Chief of Field Installations is possible only through the authorization of ADSO, DADSO or EXO. Such travel orders can be amended only through the authorization or the consent of ADSO, DADSO, or EXO. In situations where the Chief of Field Installations is empowered to issue the original order (see paragraph 3 above), he can, of course, amend such orders without other approval.

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[REDACTED]

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